

MOUNT & STOELKER, P.C.  
RIVERPARK TOWER, SUITE 1650  
333 WEST SAN CARLOS STREET  
SAN JOSE, CALIFORNIA 95110-2740  
TELEPHONE (408) 279-7000

1 Kathryn G. Spelman, Esq. (Cal. Bar No. 154512)  
Daniel H. Fingerman, Esq. (Cal. Bar No. 229683)  
2 Mount & Stoelker, P.C.  
RiverPark Tower, Suite 1650  
3 333 West San Carlos Street  
San Jose CA 95110-2740  
4 Phone: (408) 279-7000  
5 Fax: (408) 998-1473  
Email: kspelman@mount.com, dfingerman@mount.com

6 Attorneys for San Francisco Technology Inc.

7  
8 United States District Court  
Northern District of California, San Francisco Division

9 San Francisco Technology Inc.

Case No. 5:09-cv-06083-RS

10 Plaintiff

**Declaration of Dan Fingerman**

11 vs.

Date: April 8, 2010

Time: 1:30 pm

Room: Courtroom 3, 17th Floor

Judge: Richard Seeborg

12  
13 Adobe Systems Incorporated, The Brita  
Products Company, Delta Faucet  
14 Company, Evans Manufacturing Inc.,  
The Evercare Company, Graphic  
15 Packaging International Inc., Magnum  
Research Inc., Pavestone Company LP,  
16 The Procter & Gamble Company, S.C.  
Johnson & Son Inc., Spectrum Brands  
17 Inc., Super Swim Corp., Unilock Inc.,  
18 West Coast Chain Mfg. Co.

19 Defendants  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Dan Fingerman, declare as follows:

1. I am an attorney with Mount & Stoelker, P.C., which is counsel of record for Plaintiff San Francisco Technology Inc. I have personal knowledge of the facts in this declaration.

2. On June 17, 2009, I downloaded an advertisement from the web site www.magnumresearch.com. A copy of that advertisement is attached hereto as Exhibit 1.

3. On October 12, 2009, I searched the web site at www.magnumresearch.com for that same advertisement and found a different advertisement. I downloaded a copy of this second advertisement. A copy of this second advertisement is attached hereto as Exhibit 2.

4. On February 1, 2010, I conducted an Internet search for the keywords "patent Magnum Desert Eagle" using the Google search engine at www.google.com, and I saved a copy of the search results. A copy of that search result page is attached hereto as Exhibit 3.

5. Attached hereto as Exhibits 4–8 are the advertisements from the web site www.deltafaucets.com which are accused of containing false markings in ¶ 57 of the Complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on the date set forth below.

Date: March 18, 2010

/s/ Dan Fingerman

MOUNT & STOELKER, P.C.  
RIVERPARK TOWER, SUITE 1650  
333 WEST SAN CARLOS STREET  
SAN JOSE, CALIFORNIA 95110-2740  
TELEPHONE (408) 279-7000

**Certificate of Service**

The undersigned certifies that on March 18, 2010, the foregoing document was filed with the Clerk of the U.S. District Court for the Northern District of California, using the court's electronic filing system (ECF), in compliance with Civil L.R. 5-4 and General Order 45. The ECF system serves a "Notice of Electronic Filing" to all parties and counsel who have appeared in this action, who have consented under Civil L.R. 5-5 and General Order 45 to accept that Notice as service of this document.

Date: March 18, 2010

Mount &amp; Stoelker, P.C.,

/s/ Dan Fingerman

Attorneys for San Francisco Technology Inc.

Z:\CLIENTS\F CLIENTS\FALSE001\Attorney\_Notes\Drafts\Opposition to pleading motions - DHF Declaration.doc

MOUNT & STOELKER, P.C.  
RIVERPARK TOWER, SUITE 1650  
333 WEST SAN CARLOS STREET  
SAN JOSE, CALIFORNIA 95110-2740  
TELEPHONE (408) 279-7000